(1) SINGLE BENCH

03

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

WRIT PETITION NO. 3654 /2005

PETITIONERS
Defendants No.1 & 2

1. Khemlal Sahu, S/o. Late Shri Puranik Sahu aged 35 years.

2. Janki Bai, Widow of Late Puranik Sahu, aged 60 years.

Both are R/o. Nayapara, Balod, Tahsil-Balod, Distt. Durg (C.G.)

3754/05
Sushil Sahu
2/8/05

VERSUS

RESPONDENTS
Plaintiff

1. Dushyant Kumar, S/o. Late Shri Puranik Sahu aged 45 years, R/o. Nayapara, Balod, Tah. Balod, Distt. Durg (C.G.)

RESPONDENT/ Defendant No.3

2. Rukhmani Bai, W/o. Ram Raj Sahu, aged 46 years.

R/o. R.Jamgaon, Tah. Patan, Distt. Durg (C.G.)

RESPONDENT/ Defendant No.4

3. Kunti Bai, W/o. Holkar Ram Sahu, aged 44 years, R/o. Sec.2, Sadak No.11, Qr. No. 2, Bhilai, Tah. & Distt.Durg (C.G.).

RESPONDENT

4. State of C.G. through Collector, Durg, Distt. Durg (C.G.)

RECEIVED COPY
CLERK to A.G. BILASPUR
Dt. 10/8/05

WRIT UNDER ARTICLE /227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A SUITABLE WRIT, ORDERS OR DIRECTION.

petitioners most humbly and respectfully

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

39

आदेश पत्रक

मामला क्रमांक W.P.3654/ **सन्** **2005**

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	8-8-2005 Mr. Rajeev Shrivastava, counsel for the petitioners. Mr. Devesh Verma, Panel Lawyer for the State/respondent No.4. Heard both the counsel on admission. The petitioners have preferred this writ petition under Article 227 of the Constitution of India, questioning the legality and propriety of order dated 15-7-2005 passed by the Additional District Judge, Balod, in Civil Suit No.13-A/2004, whereby the learned Additional District Judge has refused to take on record the written statement filed by the petitioners herein on the ground that since summons were served on the petitioners on 31st January, 2005, whereas the written statement was filed on 2-7-2005, therefore, beyond 90 days the written statement cannot be accepted in view of the provisions of Order 8 Rule 1 of the C.P.C. Perusal of the impugned order shows that the learned trial Court has not considered the judgment of the Apex Court passed in the matter of **Kailash vs. Nanhku and others** reported in **2005 AIR SCW 2346**, specifically para 26 onwards of the said judgment on the point. Therefore, the order in question is quashed, and the trial Court is directed to decide the interlocutory application filed by respondent No.1 herein after taking into consideration the above judgment and after hearing both the parties. With the observation and direction aforesaid, the writ petition stands disposed of, in limine. Consequently, M.(W.)P.No.3079/2005 also stands disposed of. Parties are entitled for certified copy of this order. Sd/- L.C. Bhadoo Judge	